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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 KENNETH I. EDMONTON,

No. CIV S-05-0855-LKK-CMK

12 Petitioner,

13 vs.

ORDER

14 STATE OF CALIFORNIA,

15 Respondent.
16 _____/

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's petition for
19 a writ of habeas corpus (Doc. 1), filed on May 2, 2005. "A petitioner for habeas corpus relief
20 must name the state officer having custody of him or her as the respondent to the petition."
21 Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994); see also Rule 2(a),
22 Federal Rules Governing Section 2254 Cases. Because petitioner has not named the appropriate
23 state officer, the petition must be dismissed with leave to amend to name the correct respondent.
24 See Stanley, 21 F.3d at 360. Petitioner is warned that failure to comply with this order may
25 result in the dismissal of this action. See Local Rule 11-110.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's petition for writ of habeas corpus is dismissed with leave to amend;

2. Petitioner shall file an amended petition on the form employed by this court, and which names the proper respondent and states all claims and requests for relief, within 30 days of the date of this order; and

3. The Clerk of the Court is directed to send petitioner the court's form habeas corpus application.

DATED: November 28, 2005.


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE